

# Upper Hunter County Council

## Publication Guide

### Government Information (Public Access) Act 2009



January 2011

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## 1. Definitions and Abbreviations

**Constituent Councils** means the Muswellbrook, Singleton and Upper Hunter Shire Council inclusive

**County Council** means Upper Hunter County Council

**GIPA** means *Government Information (Public Access) Act 2009, (NSW)*

**LGA** means *Local Government Act 1993*

## 2. Introduction

The *Government Information (Public Access) Act 2009, (NSW) (GIPA)* requires Councils to provide greater access to government information that a Council holds. A requirement of the GIPA is that a Publication Guide be produced as a reference to Council's functions, responsibilities and information.

Upper Hunter County Council's publication guide details:

- a) describes the structure and functions of the agency, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- d) identifies the various kinds of government information held by the agency, and
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

### 3. Background

The Upper Hunter County Council is a Noxious Weed County Council which trades under the registered business name of Upper Hunter Weeds Authority. The area of operation of the County Council is the local government areas of Upper Hunter, Muswellbrook and Singleton Councils.

The **County Council** was first proclaimed on 1 January 1991 and at that time operated in the local government areas of Singleton, Muswellbrook and the former Scone Shire Council. The amalgamation of Scone, Merriwa and parts of Murrurundi Councils to form the Upper Hunter Shire Council in 2004 expanded the County Council to its current area of operation.

The County Council comprises an area of approximately 16,500 sq km with a population of around 50 000 people. The region also has over 500,000 ha of National Park and Nature Reserves.

### 4. Functions and Structure of Council

#### 4.1 Principal Functions

The County Council's functions and governance are specified in Part 5, Local Government Act 1993 with the day to day operations of the County Council primarily conducted in accordance with the Noxious Weeds Act 1993.

The County Council has been delegated by the **Constituent Councils** to fulfil their obligations under the Noxious Weeds Act 1993, in regards to the enforcement of control of Noxious Plants on private lands and the control of declared plants on Council lands.

Under the Noxious Weeds Act 1993, Occupiers of land are responsible for the control of Noxious Plants on all land that they occupy. In order for the County Council to fulfil its legislative obligations regarding the control of Noxious Plants on private lands, the County Council conducts regular inspections of private properties within its area of operation during which staff give direction and advice on noxious plant control programs.

Other principal activities of the County Council include:

- Conducting control programs on noxious plants on Constituent Council's controlled lands such as roadsides and reserves.
- Conducting and attending community events such as field days, regional shows and saleyards to raise community awareness of noxious plants.
- Plant identification.
- The distribution of biological control agents.
- Advising community groups on weed control aspects of community projects.

All of the above activities are conducted to achieve the County Council's corporate vision and mission statements;

**Vision: To prevent, contain or reduce the invasion of noxious weeds within the County.**

**Mission: To provide effective integrated weed management systems utilising the latest technology to all Constituent Councils fairly and equitably in accordance with the Noxious Weeds Act, 1993.**

## **4.2 Governance and Strategy**

- A planning process is in place that ensures that the long term vision and strategies of the Council are considered, documented and available to the community.
- Conduct Council meetings that comply with statutory requirements and provide adequate opportunities for community input.
- A training and inductions process is in place for Councillors and staff to ensure they understand their roles and responsibilities.
- Review Council Policies to ensure that they are up to date with current requirements.
- Establish a system or process to ensure Councils Records Management Policy complies with legislative obligations.
- Establish a system or process to ensure Councils Public Documents are available and current in accordance with legislative requirements.
- Introduce an effective reporting process for staff against statutory requirements.
- Working with the Community.

## **4.3 Administration and Financial Management**

- Ensure sound financial management in accordance with statutory requirements.

## **4.4 HR Activities**

- Introduce an effective communication process for staff.
- Review Council's organisation structure to ensure effectiveness of the Council.
- Review the recruitment and interview procedure to be open and transparent for all positions advertised as per the Organisational Structure.
- Council's HR policies meet legislative and organisational needs.
- Council implements a strategy to ensure compliance with State Award System and the Federal System.
- Council aims to manage its employees and its information technology in a professional and proficient manner.
- Ensure Council's workforce have necessary skills to carry out required tasks safely and competently.
- Skills Reports are relevant to positions, allow for career progression and are non-discriminatory.
- Council staff to maintain and increase their skills.
- Ensure Council's EEO Management Plan is current and meets ongoing needs.

## 4.5 OH&S and Risk

- Ensure Council's staff meets Legislative Training Requirements.
- Council's OH&S Management System complies with legislation and meets Council's ongoing needs.
- Progressively identify and record all potential hazards.
- Implement best practice in risk management and support cooperative insurance arrangements.
- Reduce work related injuries and workers compensation claims and ensure effective return to work programs where necessary.

## 4.6 Organisational Structure

A chart of the County Council's staffing and organisational structure is set out in Appendix A

## 4.7 Governance Structure

- 4.7.1** The County Council, as a proclaimed Council under the Local Government Act 1993, is required to have a governing body made up of elected Councillors from its Constituent Councils (*Sec 390, LGA*). At present this body consists of seven (7) Councillors. Constituent Councils are represented by:
- Three (3) Councillors - Upper Hunter Shire Council
  - Two (2) Councillors - Muswellbrook Shire Council
  - Two (2) Councillors – Singleton Council
- 4.7.2** Councillors are elected to the County Council governing body for a term of four (4) years in line with Constituent Councils terms.
- 4.7.3** The County Council meets quarterly, on the third (3<sup>rd</sup>) Tuesday of February, May, August and November at 4.00pm. These meetings are held at Muswellbrook Shire Council Chambers, 157 Maitland Rd Muswellbrook.
- 4.7.4** Annually, at County Council's November meeting the members of the governing body elect a Chairperson and Deputy Chairperson. The Chairperson functions are defined in *Sec 391A, LGA*.
- 4.7.5** The County Council is also required to appoint a General Manager. This position is currently a part time position with the present County Council General Manager being also the General Manager of Muswellbrook Shire Council. The General Manager is also the Public Officer of the County Council.
- 4.7.6** The County Council registered office is the Muswellbrook Shire Council Administration Building, 157 Maitland Rd Muswellbrook. Muswellbrook Shire Council also supplies administrative services to the County Council including Payroll, Creditors and Debtors, Human Resources, Financial Reporting, Financial Record Keeping and Information Technology Support.

## **4.8 Operational Structure**

The County Council has five (5) full time operational staff consisting of four (4) Noxious Plant Inspectors and one (1) Works Coordinator. The Noxious Plants Inspectors are located and operated in districts centred on Merriwa, Scone, Muswellbrook and Singleton townships. The Works Coordinator is located in the Muswellbrook Shire Council Administration Building.

The Works Coordinator is responsible for the day to day administration of the County Council and the supervision of the Noxious Plants Inspectors.

The Noxious Plants Inspectors duties include private property inspections and control works on noxious plants found on Constituent Council's control lands.

## **5. Community Involvement in Council's Functions**

There are two main ways in which the public may participate in the policy development and the general activities of the Council. These are through representation and participation.

### **5.1 Representation**

To be eligible for to be elected to the County Council's governing body, intending Councillors need to satisfied provisions outlined in 4.7.1

Members of the community are able to raise issues with and representation to the elected Councillors. The Councillors may pursue the matter on behalf of a community member thus allowing members of the public to influence the development of policy.

### **5.2 Personal Participation**

Another avenue for community involvement in policy development and the functions of Council through attendance at meetings of the Council which comprise or include members of the public, community forums, public exhibitions, calls for submissions and surveys.

The ordinary meetings of the Council are held quarterly on the 3<sup>rd</sup> Tuesday of February, May, August and November. These meetings are open to the public and include a public forum. Members of the public can request to address the Council in this public forum. It is in these meetings that major decisions affecting Council's function, policies and budgets are made.

## 6. Council Policies

The *Government Information (Public Access) Regulation 2009 (NSW)* requires that the following list of general documents held by the County Council, are to be made publicly available for inspection, free of charge.

The public is entitled to inspect these documents at the offices of the Council during ordinary office hours or at any other place as determined by the County Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

The County Council does not maintain an exclusive web site; however it does have a web page on the Muswellbrook Shire Council web site on which information such as Class 4 Noxious Plants Management Plans, Annual Report and Pesticide Notification Plan are posted.

In keeping with the intent of the GIPA to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, County Council is committed to the proactive release of government information that it holds, to the public.

County Council holds documents (hard copy and/or electronic form) that relates to a number of different issues concerning Upper Hunter County Council.

Information about the County Council;

- Code of Conduct
- Property Inspection and Procedures Policy
- Roadside Spraying Policy
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Management Plan
- EEO Management Plan
- Council's policy concerning the payment of expenses incurred by, and the provision of facilities to Councillors
- Returns of the interests of Councillors, designated persons and delegates (this document is available for inspection at Council offices only)
- Agendas and business papers for Council and Committee meetings (but not including business papers for matters considered when part of a meeting closed to the public)
- Minutes of Council and Committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- Register of delegations
- Pesticide Notification Plan
- Class 4 Noxious Plant Management Plans



## **7. Disclosure Log of Information Released After Formal Access Applications**

The County Council has not received any formal access applications for information.

## **8. Register of Contacts With Private Sector Entities**

The County Council has no contacts with private sector entities.

## **9. Parliamentary Documents**

No documents have been tabled in Parliament on behalf of the County Council.

## **10. Confidential Records and Information.**

The following records are considered confidential. An information request of information contained in them will be decided on a case by case basis subject to public interest test.

- Property Inspection Records to parties other than the occupier/owner of the land
- Property Ownership Details
- Details of Weed Control Notices (*Sec 18 Noxious Weeds Act 1993*) unless a valid application under *Section 64, Noxious Weed Act, 1993* is received.
- Staff Records

## **11. How Members of the Public May Access and Amend Council Documents**

Access to Council documents may be obtained by contacting Council's Works Coordinator between 9.00 am and 4.00 pm Monday to Friday (excluding public holidays).

Information can be obtained by an informal request or a formal access application (unless there is an overriding public interest against disclosure of the information in accordance with the provision of GIPA). Council is not required to disclose information pursuant to an information request and there is no appeal right if refused.

A formal application must be completed on a Formal Access Application form with specified information and include a \$30 fee. The advantage of lodging a formal application is that time limits and appeal rights apply. The application must be dealt with within 20 days generally.

Details of procedures and fees are detailed in the GIPA Act and may be obtained from Council's Administration Office.

An application for amendment to personal information held by Council must be made in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIPA). A request for amendment must be made by way of a statutory declaration and must be accompanied by appropriate evidence as to the cogency of the making of the amendment.

## 12. Contact Details

### Public Officer:

The General Manager  
Steve McDonald  
PO Box 122  
Muswellbrook NSW 2333

Ph: 02 6549 3706

Fax: 02 6549 3701

Email: [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

### Right to Information Officer:

Works Coordinator  
Doug Campbell  
PO Box 122  
Muswellbrook NSW 2333

Ph: 02 6549 3802

Fax: 02 6549 3701

Email: [uhwa@muswellbrook.nsw.gov.au](mailto:uhwa@muswellbrook.nsw.gov.au)

### Office of Information Commissioner

Further information regarding the functions of the Office of Information Commissioner and your rights to accessing government information visit the OIC website at [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au) or call 1800 INFOCOM (1800 463 626) between 9am to 5pm Monday to Friday (excluding public holidays).

# APPENDIX A

## Staffing and Organisational Structure Chart

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